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Paper No.

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MAR 17 2004

In re Application of	:	
Matsushita et al.	:	
Application No. 10/672,263	:	
Filed: September 26, 2003	:	ON PETITION
Attorney Docket No.	:	
SUM-02701	:	

OFFICE OF PETITIONS

This is a decision in response to the Petition to Correct Filing Date, filed January 22, 2004, which is properly treated under 37 CFR 1.10(c), requesting the application be accorded a filing date of September 26, 2003, instead of the presently accorded filing date of September 27, 2003.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on September 26, 2003. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV325286041US. Although the "Date In" indicated on the Express Mail label is September 27, 2003, the Express Mail Label is properly addressed to the Commissioner for Patents, and the Express Mail label contains a United States Postal Service (USPS) stamp of September 26, 2003. The same Express Mail label number was placed on the original application papers located in the official file. Petitioner has also provided a copy of their mail log for September 26, 2003 which identifies the above-identified application as having been deposited express mail on September 26, 2003¹.

¹ Applicant is advised that under the provisions of 37 CFR 1.10(d), evidence of deposit to support an assertion to correct a filing date based upon express mailing must have come into being after deposit and within one business day of the putative deposit. In the instant petition, no such assertion has been made.

In view of the above, the petition is granted. No fee is necessary.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.



Derek L. Woods
Petitions Attorney
Office of Petitions